
By: **Senator Dyson (By Request)**
Introduced and read first time: January 16, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Livestock Activities - Limitation of Liability**

3 FOR the purpose of limiting the civil liability of certain persons who sponsor or
4 participate in certain activities involving livestock under certain circumstances;
5 encouraging the use of a certain warning by persons who sponsor livestock
6 activities; defining certain terms; and generally relating to the liability of
7 persons who sponsor or participate in livestock activities.

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 5-1201 through 5-1205, inclusive, to be under the new subtitle
11 "Subtitle 12. Immunities and Prohibited Actions - Livestock Activities"
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 **SUBTITLE 12. IMMUNITIES AND PROHIBITED ACTIONS - LIVESTOCK ACTIVITIES.**

18 5-1201.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) (1) "ENGAGE IN LIVESTOCK ACTIVITY" INCLUDES:

22 (I) LEADING, EXHIBITING, TRAINING, RACING, SHOWING, RIDING,
23 GROOMING, OR DRIVING LIVESTOCK;

24 (II) BEING A PASSENGER IN A VEHICLE PULLED BY LIVESTOCK;

25 (III) SHOWING LIVESTOCK FOR POTENTIAL SALE;

1 (IV) ASSISTING IN MEDICAL TREATMENT OF LIVESTOCK; AND

2 (V) ASSISTING A PARTICIPANT, LIVESTOCK ACTIVITY SPONSOR, OR
3 LIVESTOCK PROFESSIONAL.

4 (2) "ENGAGE IN LIVESTOCK ACTIVITY" DOES NOT INCLUDE BEING A
5 SPECTATOR AT A LIVESTOCK ACTIVITY, UNLESS THE SPECTATOR PLACES HIMSELF
6 OR HERSELF IN IMMEDIATE PROXIMITY TO LIVESTOCK ACTIVITY.

7 (C) (1) "LIVESTOCK" MEANS ANY CATTLE, OXEN, BISON, HOG, SHEEP, GOAT,
8 OR EQUINE.

9 (2) "LIVESTOCK" INCLUDES ANIMALS OF THE FAMILIES BOVIDAE,
10 CERVIDAE, AND ANTILOCAPRIDAE, AND BIRDS OF THE RATITE GROUP.

11 (D) "LIVESTOCK ACTIVITY" INCLUDES:

12 (1) SHOWS, FAIRS, SALES, COMPETITIONS, PERFORMANCES, OR
13 PARADES THAT INVOLVE ONE OR MORE BREEDS OF LIVESTOCK;

14 (2) ANY LIVESTOCK DISCIPLINE, INCLUDING RODEOS, AUCTIONS,
15 DRIVING, PULLING, JUDGING, CUTTING, AND SHOWING;

16 (3) LIVESTOCK TRAINING OR TEACHING ACTIVITIES, OR BOTH;

17 (4) BOARDING OR PASTURING LIVESTOCK, INCLUDING NORMAL DAILY
18 CARE;

19 (5) INSPECTING OR EVALUATING LIVESTOCK BELONGING TO ANOTHER,
20 WHETHER OR NOT THE OWNER HAS RECEIVED MONETARY CONSIDERATION OR
21 OTHER THING OF VALUE FOR THE USE OF THE LIVESTOCK OR IS ALLOWING A
22 PROSPECTIVE PURCHASER OF THE LIVESTOCK TO INSPECT OR EVALUATE THE
23 LIVESTOCK;

24 (6) DRIVES, RIDES, TRIPS, HUNTS, OR OTHER LIVESTOCK ACTIVITIES OF
25 ANY TYPE, HOWEVER INFORMAL OR IMPROMPTU;

26 (7) PLACING OR REPLACING HORSESHOES ON AN EQUINE OR
27 OTHERWISE PREPARING LIVESTOCK FOR SHOW; AND

28 (8) EXAMINING OR ADMINISTERING MEDICAL TREATMENT TO A FARM
29 ANIMAL BY A VETERINARIAN.

30 (E) (1) "LIVESTOCK ACTIVITY SPONSOR" MEANS AN INDIVIDUAL, GROUP,
31 CLUB, PARTNERSHIP, OR CORPORATION, WHETHER OR NOT THE SPONSOR IS
32 OPERATING FOR PROFIT OR NONPROFIT, THAT SPONSORS, ORGANIZES, OR PROVIDES
33 THE FACILITIES FOR A LIVESTOCK ACTIVITY.

34 (2) "LIVESTOCK ACTIVITY SPONSOR" INCLUDES LIVESTOCK CLUBS, 4-H
35 CLUBS, FUTURE FARMERS OF AMERICA CHAPTERS, SCHOOL AND COLLEGE
36 SPONSORED CLASSES, PROGRAMS, AND ACTIVITIES, THERAPEUTIC RIDING

1 PROGRAMS, AND OPERATORS, INSTRUCTORS, AND PROMOTERS OF LIVESTOCK
2 FACILITIES, INCLUDING BARNS, STABLES, CLUBHOUSES, PONY RIDE STRINGS, FAIRS,
3 AND ARENAS AT WHICH AN ACTIVITY IS HELD.

4 (F) "LIVESTOCK PROFESSIONAL" MEANS A PERSON ENGAGED FOR
5 COMPENSATION IN:

6 (1) INSTRUCTING A PARTICIPANT;

7 (2) RENTING LIVESTOCK TO A PARTICIPANT FOR THE PURPOSE OF
8 ENGAGING IN LIVESTOCK ACTIVITY; OR

9 (3) RENTING EQUIPMENT OR TACK TO A PARTICIPANT.

10 (G) (1) "INHERENT RISKS OF LIVESTOCK ACTIVITIES" MEANS THE DANGERS
11 OR CONDITIONS THAT ARE AN INTEGRAL PART OF LIVESTOCK ACTIVITIES.

12 (2) "INHERENT RISKS OF LIVESTOCK ACTIVITIES" INCLUDES:

13 (I) THE PROPENSITY OF LIVESTOCK TO BEHAVE IN WAYS THAT
14 MAY RESULT IN INJURY TO PERSONS ON OR AROUND THEM;

15 (II) THE UNPREDICTABILITY OF LIVESTOCK'S REACTION TO SUCH
16 THINGS AS SOUNDS, SUDDEN MOVEMENT, AND UNFAMILIAR OBJECTS, PERSONS, OR
17 ANIMALS;

18 (III) HAZARDS SUCH AS SURFACE AND SUBSURFACE CONDITIONS
19 UNKNOWN TO THE LIVESTOCK ACTIVITY SPONSOR;

20 (IV) COLLISIONS WITH OTHER LIVESTOCK OR OBJECTS; AND

21 (V) THE POTENTIAL OF TACK TO BECOME DISLODGED OR MOVE IN
22 WAYS THAT MAY RESULT IN INJURY TO PERSONS ON OR AROUND LIVESTOCK
23 ACTIVITIES.

24 (H) "PARTICIPANT" MEANS ANY PERSON, WHETHER AMATEUR OR
25 PROFESSIONAL, WHO ENGAGES IN LIVESTOCK ACTIVITY, WHETHER OR NOT A FEE IS
26 PAID TO PARTICIPATE IN THE LIVESTOCK ACTIVITY.

27 5-1202.

28 (A) THE GENERAL ASSEMBLY RECOGNIZES THAT PERSONS WHO ENGAGE IN
29 LIVESTOCK ACTIVITIES MAY INCUR INJURIES AS A RESULT OF THE RISKS INVOLVED
30 IN THOSE ACTIVITIES EVEN IN THE ABSENCE OF ANY FAULT OR NEGLIGENCE ON
31 THE PART OF PERSONS OR ENTITIES THAT SPONSOR, PARTICIPATE IN, OR ORGANIZE
32 THOSE ACTIVITIES.

33 (B) THE GENERAL ASSEMBLY FINDS THAT THE STATE AND ITS CITIZENS
34 DERIVE NUMEROUS ECONOMIC AND PERSONAL BENEFITS FROM LIVESTOCK
35 ACTIVITIES.

1 (C) THE INTENT OF THIS SUBTITLE IS TO ENCOURAGE LIVESTOCK ACTIVITIES
2 BY LIMITING THE CIVIL LIABILITY OF LIVESTOCK ACTIVITY SPONSORS,
3 PARTICIPANTS, AND LIVESTOCK PROFESSIONALS INVOLVED IN LIVESTOCK
4 ACTIVITIES.

5 5-1203.

6 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LIVESTOCK
7 ACTIVITY SPONSOR, A PARTICIPANT, OR A LIVESTOCK PROFESSIONAL ACTING IN
8 GOOD FAITH AND IN ACCORDANCE WITH THE STANDARDS OF THE LIVESTOCK
9 INDUSTRY IS NOT LIABLE FOR INJURIES TO ANY PERSON THAT RESULT FROM THE
10 INHERENT RISKS OF LIVESTOCK ACTIVITIES.

11 (B) THIS SECTION DOES NOT PROHIBIT OR LIMIT THE LIABILITY OF A
12 LIVESTOCK ACTIVITY SPONSOR, PARTICIPANT, OR LIVESTOCK PROFESSIONAL, IF
13 THE LIVESTOCK ACTIVITY SPONSOR, PARTICIPANT, OR LIVESTOCK PROFESSIONAL:

14 (1) COMMITS AN ACT OR OMISSION THAT CONSTITUTES WILLFUL OR
15 WANTON DISREGARD FOR THE SAFETY OF ANY PERSON ENGAGED IN A LIVESTOCK
16 ACTIVITY, AND THAT ACT OR OMISSION CAUSES THE INJURY;

17 (2) INTENTIONALLY INJURES A PERSON ENGAGED IN A LIVESTOCK
18 ACTIVITY;

19 (3) PROVIDES EQUIPMENT OR TACK THAT IS FAULTY TO THE EXTENT
20 THAT IT CAUSES THE INJURY, EXCEPT FOR EQUIPMENT OR TACK USED IN
21 LIVESTOCK ACTIVITIES SPONSORED BY YOUTH ORGANIZATIONS IN WHICH YOUTH
22 PARTICIPANTS SHARE EQUIPMENT OR TACK AMONG THEMSELVES;

23 (4) PROVIDES THE LIVESTOCK AND FAILS TO MAKE A REASONABLE
24 EFFORT TO DETERMINE THE ABILITY OF THE PARTICIPANT TO MANAGE THE
25 PARTICULAR LIVESTOCK BASED UPON THE PARTICIPANT'S REPRESENTATION OF
26 THE PARTICIPANT'S ABILITY; OR

27 (5) OWNS, LEASES, RENTS, OR OTHERWISE IS IN LAWFUL POSSESSION
28 AND CONTROL OF THE LAND OR FACILITIES ON WHICH THE PARTICIPANT
29 SUSTAINED INJURIES BECAUSE OF A DANGEROUS CONDITION KNOWN TO THE
30 LIVESTOCK ACTIVITY SPONSOR, LIVESTOCK PROFESSIONAL, OR OTHER PERSON, AND
31 NOT MADE KNOWN TO THE PARTICIPANT.

32 (C) A PARTICIPANT IN A LIVESTOCK SHOW, LIVESTOCK SALE, OR RODEO
33 SHALL BE PRESUMED TO BE COMPETENT IN THE HANDLING OF LIVESTOCK IF AN
34 ENTRY FORM IS REQUIRED FOR THE ACTIVITY AND THAT FORM IS SIGNED BY THE
35 PARTICIPANT.

36 (D) A LIVESTOCK ACTIVITY SPONSOR MAY NOT BE HELD VICARIOUSLY LIABLE
37 FOR THE ACTS OR OMISSIONS OF A PARTICIPANT OR A LIVESTOCK PROFESSIONAL.

38 (E) TWO OR MORE PERSONS MAY AGREE, IN WRITING, TO EXTEND THE
39 WAIVER OF LIABILITY UNDER THIS SUBTITLE.

1 5-1204.

2 (A) THIS SUBTITLE DOES NOT CREATE A DUTY FOR A LIVESTOCK ACTIVITY
3 SPONSOR, LIVESTOCK PROFESSIONAL, OR OTHER PERSON TO GIVE A WARNING TO:

4 (1) A PARTICIPANT ENGAGED IN A LIVESTOCK ACTIVITY WITH THE
5 PARTICIPANT'S OWN LIVESTOCK;

6 (2) A PARTICIPANT WHOM THE LIVESTOCK ACTIVITY SPONSOR,
7 LIVESTOCK PROFESSIONAL, OR OTHER PERSON KNOWS TO POSSESS REASONABLE
8 KNOWLEDGE OF OR EXPERIENCE WITH THE INHERENT RISK OF LIVESTOCK
9 ACTIVITIES; OR

10 (3) A PARTICIPANT WHO HAS REPRESENTED TO THE LIVESTOCK
11 ACTIVITY SPONSOR, LIVESTOCK PROFESSIONAL, OR OTHER PERSON THAT THE
12 PARTICIPANT POSSESSES REASONABLE KNOWLEDGE OR EXPERIENCE WITH THE
13 INHERENT RISKS OF LIVESTOCK ACTIVITIES.

14 (B) THE STATE ENCOURAGES EACH LIVESTOCK ACTIVITY SPONSOR AND
15 LIVESTOCK PROFESSIONAL TO POST AND MAINTAIN SIGNS THAT CONTAIN THE
16 WARNING NOTICE SPECIFIED IN SUBSECTION (E) OF THIS SECTION IN A CLEARLY
17 VISIBLE LOCATION ON OR NEAR STABLES, CORRALS, BARNYARDS, BARNS, FARM
18 ENTRANCES, OR OTHER AREAS WHERE THE LIVESTOCK PROFESSIONAL OR THE
19 LIVESTOCK ACTIVITY SPONSOR CONDUCTS LIVESTOCK ACTIVITIES.

20 (C) THE STATE ENCOURAGES:

21 (1) EACH WRITTEN CONTRACT ENTERED INTO BY A LIVESTOCK
22 PROFESSIONAL OR BY A LIVESTOCK ACTIVITY SPONSOR PROVIDING PROFESSIONAL
23 SERVICES OR INSTRUCTIONS, OR THE RENTAL OF EQUIPMENT, SUPPLIES, TACK, OR
24 LIVESTOCK TO A PARTICIPANT, WHETHER THE CONTRACT INVOLVES LIVESTOCK
25 ACTIVITIES ON OR OFF THE LOCATION, TO CONTAIN THE PRINTED WARNING
26 SPECIFIED IN SUBSECTION (E) OF THIS SECTION; AND

27 (2) OTHER LITERATURE, INCLUDING FLYERS, BROCHURES, AND OTHER
28 ANNOUNCEMENTS ADDRESSING LIVESTOCK ACTIVITIES TO CONTAIN THE PRINTED
29 WARNING SPECIFIED IN SUBSECTION (E) OF THIS SECTION.

30 (D) (1) A PARTICIPANT, OR A PARENT OR GUARDIAN OF A MINOR
31 PARTICIPANT, WHO KNOWINGLY SIGNS A CONTRACT BEFORE PARTICIPATION IN A
32 LIVESTOCK ACTIVITY OR WHO VOLUNTARILY PARTICIPATES IN ANY ACTIVITY
33 WHERE THE INHERENT RISKS ARE KNOWN, IS DEEMED TO HAVE WAIVED THE RIGHT
34 TO BRING AN ACTION AGAINST THE LIVESTOCK PROFESSIONAL OR LIVESTOCK
35 ACTIVITY SPONSOR FOR ANY INJURY, DAMAGE, LOSS, OR DEATH ARISING OUT OF
36 ANY LIVESTOCK ACTIVITY.

37 (2) THIS WAIVER SHALL BE BINDING UPON THE PARTICIPANT UNLESS A
38 LIVESTOCK PROFESSIONAL, A LIVESTOCK ACTIVITY SPONSOR, OR ANY OTHER
39 PERSON HAS ACTED WITH GROSS NEGLIGENCE.

1 (E) THE WARNING NOTICE SHALL STATE: "WARNING: THERE ARE INHERENT
2 RISKS OF INJURY THAT YOU VOLUNTARILY ACCEPT IF YOU PARTICIPATE, IN ANY
3 MANNER, IN LIVESTOCK ACTIVITIES."

4 5-1205.

5 THIS SUBTITLE MAY BE CITED AS THE MARYLAND LIVESTOCK ACTIVITIES
6 LIABILITY LIMITATION ACT.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2004.